

Remarks

This Application has been carefully reviewed in light of the Office Action mailed April 12, 2007. Although Applicants believe all claims are allowable without amendment, Applicants have made clarifying amendments to Claims 1 and 24. At least certain of these amendments are not considered narrowing or necessary for patentability. Applicants appreciate the Examiner's consideration of the Application. Applicants respectfully request reconsideration and allowance of all pending claims.

I. The Claims are Allowable Under 35 U.S.C. § 103(a)

A. Independent Claims 1 and 24 and Their Dependent Claims are Allowable over *Northcutt*

The Examiner rejects Claims 1-11 and 24-34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0126001 by Northcutt et al. ("*Northcutt*"). Applicants respectfully disagree.¹

At a minimum, *Northcutt* fails to disclose, teach, or suggest the following limitations recited in Claim 1, as amended:

- a dispatcher operable to . . . determine if any of the plurality of [received] messages is associated with a work assignment; and
- an active work server . . . operable to:
 - receive work information associated with at least one message determined by the dispatcher to be associated with a work assignment;
 - create, in response to receiving the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, a work item associated with the at least one message based at least in part upon the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, wherein the work item comprises an owner identifier; and
 - communicate the work item to an owner associated with the owner identifier.

For example, *Northcutt* fails to disclose, teach, or suggest an active work server that is

¹ Applicants reiterate their belief that they could antedate *Northcutt* based at least on Applicants' date of conception prior to December 28, 2001 (the filing date of *Northcutt*) and subsequent diligence up to the February 8, 2002 filing date of the Application. While Applicants have chosen not to do so in the present Response due to the clear distinctions between Applicants' independent claims and *Northcutt*, Applicants reserve the right to antedate *Northcutt* in a future Response or on Appeal, if appropriate. By not antedating *Northcutt* at this time, Applicants do not concede that *Northcutt* qualifies as prior art.

operable to “create, in response to receiving the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, a work item associated with the at least one message based at least in part upon the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, wherein the work item comprises an owner identifier” as recited in Claim 1 as amended.

According to the Examiner, *Northcutt* discloses that “a manager assigns the work item to a person responsible to complete the work assignment.” (See Office Action, Page 3 citing *Northcutt*, ¶ 65) Assuming for the sake of argument that the Examiner’s characterization of *Northcutt* is accurate, a manager manually assigning a received request for service to responsible information technology personnel (See *Northcutt*, ¶ 65) does not disclose, teach, or suggest an active work server that is operable to “receive work information associated with at least one message determined by [a] dispatcher to be associated with a work assignment” and to “create, in response to receiving the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, a work item associated with the at least one message based at least in part upon the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, wherein the [created] work item comprises an owner identifier,” as recited in Claim 1.

Moreover, the cited portions of *Northcutt* fail to disclose, teach, or suggest a distinct work item that comprises an owner identifier indicating an owner of the work item. In response to Applicants’ arguments made in the Response mailed September 7, 2006 (the “Previous Response”), the Examiner states that in *Northcutt* a manager receives a request for service (RFS) and that the request for service states an actual task that needs to be performed. (Office Action, Page 3) The Examiner concludes that the RFS is a *work item* the manager assigns. (See Office Action, Page 3) Then, almost immediately thereafter, the Examiner states that the RFS is the *work assignment*. (See Office Action, Page 4) Applicants respectfully submit that in Claim 1, the “work assignment” and the “work item” are distinct claim limitations, and therefore, the RFS itself cannot be used against both of these claim limitations.

Applicants have amended Claim 1 to make this even more clear. In particular, Applicants have amended Claim 1 to recite that the active work server is operable to “create, in response to receiving the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, a work item associated with the at least one message based at least in part upon the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, wherein the work item comprises an owner identifier.” Thus, it is clear that in Claim 1 the work item is “creat[ed] in response to receiving the work information associated with at least one message determined by the dispatcher to be associated with a work assignment” and is “based at least in part upon the work information associated with at least one message determined by the dispatcher to be associated with a work assignment.”

Moreover, the work item recited in Claim 1 is clearly distinguishable from the RFS in *Northcutt*. The RFS appears to be a message received from a user and, according to the Examiner, states an actual task that needs to be performed. (*See Northcutt*, Page 1, ¶0007; Office Action, Page 3) The RFS is not created “in response to receiving the work information associated with at least one message determined by the dispatcher to be associated with a work assignment” and is not created “based at least in part upon the work information associated with at least one message determined by the dispatcher to be associated with a work assignment,” as recited in Claim 1 as amended. It even appears that the Examiner also equates the RFS in *Northcutt* with the plurality of messages recited in Claim 1. (Office Action, Page 10) Clearly, the RFS in *Northcutt* cannot equate to both the messages and the work item recited in Claim 1 at least because the work item in Claim 1 is created “*in response to receiving the work information associated with at least one message* determined by the dispatcher to be associated with a work assignment” and is created “*based at least in part upon the work information associated with at least one message* determined by the dispatcher to be associated with a work assignment.”

As another example, at least because *Northcutt* fails to disclose, teach, or suggest the work item recited in Claim 1, *Northcutt* necessarily fails to disclose, teach, or suggest an active work server that is operable to “communicate the work item to an owner associated

with the owner identifier,” as recited in Claim 1.

As another example, the Examiner correctly acknowledges that *Northcutt* fails to teach a dispatcher operable to “determine if any of the plurality of messages is associated with a work assignment,” as recited in Claim 1. (See Office Action, Pages 4, 11) However, the Examiner argues the following:

It is old and well-known in the art to ‘determine if any of a plurality of messages is associated with a work assignment.’ The advantage of this feature is that it enables the proper organization of information in that the appropriate personnel are associated with the appropriate information. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the feature to ‘determine if any of the plurality of messages is associated with a work assignment’ with the *Northcutt et al.* system in order to facilitate the proper management of information, which is a goal of *Northcutt et al.* (see ¶ 2).

(Office Action, Page 11)

As pointed out in the Previous Response, the Examiner provides no evidence for the Examiner’s assertion that “[i]t is old and well-known in the art to ‘determine if any of a plurality of messages is associated with a work assignment.’” (Office Action, Pages 4-5 and 11) Applicants requested in the Previous Response that if “common knowledge” or “well known” art is being relied on to modify the reference, or if Official Notice is being taken, the Examiner provide a reference in support of this position pursuant to M.P.E.P. ch. 2144.03. Applicants also requested in the Previous Response that if personal knowledge is being relied on to supply the required motivation or suggestion to modify *Northcutt*, the Examiner provide an affidavit supporting such facts pursuant to M.P.E.P. ch. 2144.03.

The Examiner cites M.P.E.P. ch. 2144.03(C) and states the following in response to Applicants’ argument:

Applicant has not ‘specifically point[ed] out the supposed errors in the examiner’s action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.’ Applicant’s broad request for references to support the Examiner’s statements of Official Notice amounts to nothing more than an unsupported challenge. For these reasons, “determine if any of a plurality of messages is associated with a work assignment” is taken to be admitted prior art because Applicant’s traversal was inadequate.

(Office Action, Page 5)

First, Applicants respectfully disagree that their traversal of the Examiner's taking of Official Notice was inadequate and certainly do not admit that the limitation "determine if any of a plurality of messages is associated with a work assignment" is prior art.² According to the M.P.E.P., "the notice of facts beyond the record which may be taken by the examiner must be 'capable of such instant and unquestionable demonstration as to defy dispute.'" M.P.E.P. ch. 2144.03(A) (Rev. 1, Feb. 2003). The M.P.E.P. continues:

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.

Id. (emphasis in original). Furthermore, "[i]f such notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." M.P.E.P. ch. 2144.03(B) (Rev. 1, Feb. 2003). The M.P.E.P. also states that, "[i]f applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained." M.P.E.P. ch. 2144.03(C) (Rev. 1, Feb. 2003).

Applicants respectfully submit that the Examiner cannot properly take Official Notice that a dispatcher operable to "determine if any of the plurality of messages is associated with a work assignment," as recited in Claim 1 is "old and well known." Applicants note that the Examiner has asserted that these limitations were old and well known at the time of invention without "provid[ing] specific factual findings predicated on sound technical and scientific reasoning to support [the Examiner's] conclusion of common knowledge," as the M.P.E.P. requires. In addition, the Examiner's assertion that the above limitations were old and well

² Applicants note that the case cited in the M.P.E.P. as allegedly supporting the requirement that applicants state why the noticed fact is not considered to be common knowledge or well-known in the art actually does not support such a requirement. See M.P.E.P. ch. 2144.03(C) citing *Chevenard*, 139 F.2d at 713, 60 U.S.P.Q. at 241. Rather, the Court stated, "In the absence of anything in the record to contradict the examiner's holding, *and in the absence of any demand by appellant for the examiner to produce authority for his statement*, we will not consider this contention." *In re Chevenard*, 139 F.2d 711, 713, 60 U.S.P.Q. 239, 241 (C.C.P.A. 1943) Applicants clearly made such a demand in this case.

known at the time of invention is hardly “capable of such instant and unquestionable demonstration as to defy dispute,” as the M.P.E.P. further requires. Accordingly, Applicants respectfully submit that the Examiner has improperly taken Official Notice that the above limitations were old and well known at the time of invention and respectfully requests that the Examiner withdraw the rejection of the independent claims. If the Examiner intends to maintain this rejection, Applicants again respectfully request that the Examiner at least provide documentary evidence that the above limitations were old and well known at the time of invention, as the Examiner asserts. Moreover, Applicants have not made a “broad request for references,” as asserted by the Examiner. Instead, Applicants have made a specific request for evidence that the specific limitation identified by the Examiner as being old and well known is actually old and well known.

Second, Applicants respectfully maintain that the Examiner has not provided the requisite teaching, suggestion, or motivation, either in *Northcutt* or in the knowledge generally available to one of ordinary skill in the art at the time of Applicants' invention to modify *Northcutt* in the manner the Examiner proposes. Applicants respectfully direct the Examiner's attention to the legal standard detailed in the Previous Response.

The Examiner has merely proposed an alleged advantage of modifying *Northcutt* (an advantage which Applicants do not admit could even be achieved by modifying *Northcutt* in the manner the Examiner proposes). The alleged advantage cited by the Examiner (facilitating proper management of information) does not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the particular techniques disclosed in *Northcutt* to include a decision regarding “determining if any of the plurality of messages is associated with a work assignment;” and (2) how one of ordinary skill in the art at the time of Applicants' invention would have made such a modification to *Northcutt*. Indeed, it does not even appear that there would be any reason for making such a determination in the system of *Northcutt*. There is certainly no reason to assume (even accepting for the sake of argument the Examiner's position that it is a goal of *Northcutt* to “facilitate the proper management of information”) that one of ordinary skill in the art at the time of Applicants' invention would have been

motivated to incorporate any such determination into the system disclosed in *Northcutt* as the Examiner proposes.

In response to Applicants' argument from the Previous Response, the Examiner argues that *Northcutt* has an objective to facilitate good resource management and thus one would be motivated to include a feature that promotes this advantage. (Office Action, Page 5) As Applicants pointed out in the Previous Response, "it does not even appear that there would be any reason for making such a determination in the system of *Northcutt*." For example, assume for the sake of argument only (and not by way of concession) that the Examiner is correct that *Northcutt* discloses a dispatcher that is operable to receive a plurality of messages (see Office Action, Page 10, stating that the user in *Northcutt* submits a request for service (RFS) in the form of a message) and that an RFS states an actual task that needs to be performed (see Office Action, Page 3). There would simply be no reason to modify the system of *Northcutt* to include making a determination as to whether any of the plurality of messages (RFSs) is associated with a work assignment because presumably all of the RFSs would be associated with work assignments.

Therefore, for at least these reasons, it certainly would not have been obvious to one of ordinary skill in the art at the time of invention *to even attempt* to, let alone *to actually*, modify the particular system disclosed in *Northcutt* in the manner proposed by the Examiner.³ Applicants respectfully submit that the Examiner's attempt to modify *Northcutt* appears to constitute the type of impermissible hindsight reconstruction of Applicants' claims, using Applicants' claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases.

Accordingly, since the Examiner has not adequately provided the required teaching, suggestion, or motivation to modify *Northcutt* in the manner the Examiner proposes, Applicants respectfully submit that the Examiner's conclusions set forth in the Office Action do not meet the requirements set forth in the M.P.E.P. and the governing Federal Circuit case

³ If "common knowledge" or "well known" art is relied upon by the Examiner to modify *Northcutt*, Applicants respectfully request that the Examiner provide a reference pursuant to M.P.E.P. § 2144.03 to support such an argument. If the Examiner relies on personal knowledge to supply the required motivation or suggestion to modify *Northcutt*, Applicants respectfully request that the Examiner provide an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

law for demonstrating a *prima facie* case of obviousness. Applicants respectfully submit that the rejection must therefore be withdrawn.

Moreover, at least because *Northcutt* fails to disclose, teach, or suggest a dispatcher operable to “determine if any of the plurality of messages is associated with a work assignment,” as recited in Claim 1, *Northcutt* necessarily fails to disclose, teach, or suggest an active work server operable to “receive work information associated with at least one message *determined by the dispatcher to be associated with a work assignment*,” “create, in response to receiving the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, a work item associated with the at least one message [*determined by the dispatcher to be associated with a work assignment*] based at least in part upon the work information associated with at least one message determined by the dispatcher to be associated with a work assignment, wherein the work item comprises an owner identifier,” and “communicate the work item [*associated with the at least one message determined by the dispatcher to be associated with a work assignment*] to an owner associated with the owner identifier,” as recited in Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For at least certain analogous reasons, Applicants respectfully request reconsideration and allowance of independent Claim 24 and its dependent claims.

B. Discussion of Certain Dependent Claims

Dependent Claims 2-11 and 25-34 depend from independent Claims 1 and 24, respectively, which Applicants have shown above to be clearly allowable over *Northcutt* (even in light of the Examiner's proposed modifications to *Northcutt*). Thus, dependent Claims 2-11 and 25-34 are allowable at least because of they depend from allowable independent claims. Additionally, dependent Claims 2-11 and 25-34 recite further patentable distinctions over *Northcutt*.

As a first example, dependent Claim 10 recites, “The system of Claim 8, wherein the work item further comprises a first link to at least one of the evaluation, the recording, and

the survey.” To the extent that *Northcutt* discloses any “work item” as recited in Applicants’ claims (and Applicants do not concede that it does), nowhere does *Northcutt* disclose, teach, or suggest that the work item “comprises a first link to at least one of the evaluation, the recording, and the survey,” as recited in Claim 10. The portion of *Northcutt* cited by the Examiner in rejecting Claim 10 merely discloses that a link is communicated to the owner of an RFS and to the submitter of the RFS, but fails to disclose, teach, or suggest that this link is “to at least one of the evaluation, the recording, and the survey,” as recited in Claim 10.

Moreover, Applicants respectfully submit that the Examiner’s attempt to dismiss certain of the limitations recited in Claim 10 is improper. One of the three basic criteria that must be established by an Examiner to establish a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest *all the claim limitations*.” See M.P.E.P. ch. 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added). “*All words* in a claim must be considered in judging the patentability of that claim against the prior art.” See M.P.E.P. ch. 2143.03 citing *In re Wilson*, 424 F.2d 1382, 1385 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (emphasis added). *Northcutt* clearly fails to disclose, teach, or suggest a work item that “comprises a first link to *at least one of the evaluation, the recording, and the survey*,” as recited in Claim 10.

Applicants presented the above argument regarding Claim 10 in the Previous Response. The Examiner argues that *Northcutt* teaches a work item that “comprises a first link to the received message,” citing paragraphs 66 and 68 of *Northcutt*. (Office Action, Page 6) The Examiner acknowledges that *Northcutt* does not teach the specific data to which the links refer in Claim 10 (*i.e.*, at least one of the evaluation, the recording, and the survey); however, the Examiner argues that these limitations only recite non-functional descriptive material and are not functionally involved in the steps recited, nor do they alter the recited structural elements. (Office Action, Page 6)⁴ Applicants respectfully disagree.

Applicants respectfully submit that the Examiner’s attempt to dismiss these acknowledged distinctions between Claim 10 and *Northcutt* as non-functional descriptive

⁴ The Examiner refers to “the recited method steps.” (Office Action, Pages 6-7) Claims 1-18 are explicitly directed to a system. The system comprises certain elements that are operable to perform certain functionality. Claims 1-18 are not method claims.

material is improper. Claim 10 positively recites that “the work item further comprises a first link to at least one of the evaluation, the recording, and the survey.” This link in Claim 10 distinguishes a work item that does not include a link to at least one of the evaluation, the recording, and the survey. These limitations are not merely a printed matter. The very case cited by the Examiner, (*see* Office Action, Page 7), supports this position. *See In re Lowry*, 32 F.3d 1579, 1583, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994) (stating that “the printed matter cases have no factual relevance where the invention as defined by the claims requires that the information be processed not by the mind but by a machine, the computer).

Moreover, assuming for the sake of argument that *Northcutt* discloses a work item that comprises a link (which Applicants do not concede), the link purportedly disclosed in *Northcutt* is not a link to “at least one of the evaluation, the recording, and the survey.” Indeed, the cited portions of *Northcutt* fails to disclose any evaluation, recording, or survey. A link to *X* is clearly distinguishable from a link to *Y*. To establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest ***all the claim limitations***.” *See* M.P.E.P. ch. 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added).

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 10 and its dependent claims. For at least certain analogous reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 33 and its dependent claims.

As a second example, dependent Claim 11 recites, “The system of Claim 10, wherein the work item further comprises a second link to at least one application used to perform the work assignment.” First, Claim 11 depends from Claim 10, which Applicants have shown above to be allowable, and is allowable for at least this reason. Second, to the extent that *Northcutt* discloses any “work item” as recited in Applicants’ claims (and Applicants do not concede that it does), nowhere does *Northcutt* disclose, teach, or suggest that the work item “comprises a second link to at least one application used to perform the work assignment,” as recited in Claim 11. According to the Examiner, *Northcutt* discloses that “users are provided with an interface enabling them to link to resources and tools to perform modifications or

additions to the work assignment.” (See Office Action, Page 6 citing *Northcutt*, ¶¶ 60-63)

Assuming for the sake of argument that the Examiner’s characterization of *Northcutt* is accurate, an interface enabling users to link to resources and tools to perform ***modifications or additions to the work assignment*** (as allegedly disclosed in *Northcutt*) is distinguishable from a link to at least one application used to ***perform*** the work assignment,” as recited in Claim 11. The Examiner uses a request for service status as an example. (See Office Action, Page 7) Modifying the status of a work item (as stated by the Examiner) does not constitute performing the work assignment (as recited in Claim 11). For example, modifying the status of the work item (as stated by the Examiner) may include changing the status from “In Progress” to “Completed.” Changing the status of a work item is not actually performing the work for completing at least a portion of the work item. The cited portions of *Northcutt* do not disclose, teach, or suggest any link in a created work item to one or more applications that may be used to actually perform the work assignment.

Moreover, Applicant maintains that the discussion at paragraphs 60-63 of *Northcutt* relates to an interface through which a user can manually create a report. See ¶ 60, lines 1-3. The cited portion of *Northcutt* does not discuss a work item created by an active work server, as recited in Claim 1 (from which Claim 8 depends), much less a created work item that “comprises a second link to at least one application used to perform the work assignment,” as recited in Claim 11.

The Examiner’s assertion that Applicants’ argument with respect to Claim 11 in the Previous Response fails to comply with 37 C.F.R. § 1.111(b) is plainly incorrect. (See Office Action, Pages 7-8) Specifically, Applicants’ arguments were not general allegations that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from *Northcutt*, as argued by the Examiner. (See *id.*) For example, Applicants stated the following:

To the extent that *Northcutt* discloses any “work item” as recited in Applicants’ claims (and Applicants do not concede that it does), nowhere does *Northcutt* disclose, teach, or suggest that the work item “comprises a second link to at least one application used to perform the work assignment,” as recited in Claim 11. According to the Examiner, *Northcutt* discloses that “users are provided with an interface enabling them to link to resources and

tools to perform modifications or additions to the work assignment.” (See Office Action, Page 6 citing *Northcutt*, ¶¶ 60-63) Assuming for the sake of argument that the Examiner’s characterization of *Northcutt* is accurate, an interface enabling users to link to resources and tools to perform ***modifications or additions to the work assignment*** (as allegedly disclosed in *Northcutt*) is distinguishable from a link to at least one application used to ***perform*** the work assignment,” as recited in Claim 11. Moreover, the discussion at paragraphs 60-63 of *Northcutt* relates to an interface through which a user can manually create a report. See ¶ 60, lines 1-3. The cited portion of *Northcutt* does not discuss a work item created by an active work server, as recited in Claim 1 (from which Claim 8 depends), much less a created work item that “comprises a second link to at least one application used to perform the work assignment,” as recited in Claim 11.

(Previous Response, Pages 18-19) (emphasis in original) Applicants plainly identified a deficiency of *Northcutt* (failing to disclose, teach, or suggest a work item that further comprises a second link to at least one application used to perform the work assignment), took note of the Examiner’s argument, and addressed the substance of the Examiner’s argument (e.g., discussing a distinction between the purported link of *Northcutt* and the link recited in Claim 11).

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 11 and its dependent claims. For at least certain analogous reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 34 and its dependent claims.

At least certain of the additional dependent claims also recite further patentable distinctions over *Northcutt*. To avoid burdening the record and in view of the clear allowability of independent Claims 1 and 24, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claims 2-11 and 25-34.

C. Independent Claim 38 is Allowable over *Northcutt*

The Examiner rejects Claim 38 under 35 U.S.C. § 103(a) as being unpatentable over

U.S. Patent Application Publication No. 2003/0126001 by Northcutt et al. ("*Northcutt*"). Applicants respectfully disagree.

In response to Applicants' arguments from the Previous Response, the Examiner states, "Applicants set [forth] analogous arguments from claim 1 towards claim 38 and therefore Examiner reiterates the rejection for claim 1 for claim 38." (Office Action, Page 9) While Applicants did refer in the Previous Response to the arguments made with reference to Claim 1, Applicants also presented additional arguments to which the Examiner has not responded.

For example, Applicants argued (and now maintain) that *Northcutt* is unrelated a call center environment. As another example, Applicants argued (and now maintain) that *Northcutt* does not disclose, teach, or suggest a dispatcher operable to "receive a plurality of messages each comprising a session summary associated with a session between a call center representative of the call center and a caller to the call center" and to "determine if any of the plurality of messages is associated with a work assignment, a work assignment comprising one or more of completing an evaluation of a session, reviewing a recording associated with a session, and reviewing a survey associated with a session," as recited in Claim 38.

Applicants also maintain that, for at least certain reasons analogous to those discussed above with reference to independent Claim 1, *Northcutt* fails to disclose, teach, or suggest an active work server that is operable to: "receive work information associated with at least one message determined by the dispatcher to be associated with a work assignment;" "create a work item associated with the at least one message based at least in part upon the work information, wherein the work item comprises an owner identifier;" and "communicate the work item to an owner associated with the owner identifier for performance of the work assignment associated with the work item."

For at least these reasons, Applicants respectfully request consideration and allowance of independent Claim 38.

D. Dependent Claims 12-18 and 35-37 are Allowable over the Proposed *Northcutt-Ouchi* Combination

The Examiner rejects Claims 12-18 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over *Northcutt* in view of U.S. Patent Application Publication No. 2003/0023675 by Ouchi et al. ("*Ouchi*"). Applicants respectfully disagree.

Dependent Claims 12-18 and 35-37 depend from independent Claims 1 and 24, respectively, which Applicants have shown above to be clearly allowable over *Northcutt* (even in light of the Examiner's proposed modifications to *Northcutt*). *Ouchi* fails to make up for at least the deficiencies of *Northcutt* discussed above. Thus, dependent Claims 12-18 and 35-37 are allowable at least because of they depend from allowable independent claims. Additionally, dependent Claims 12-18 and 35-37 recite further patentable distinctions over the proposed *Northcutt-Ouchi* combination.

As just one example, dependent Claim 12 recites:

The system of Claim 11, further comprising a collaboration server having a plurality of work folders associated with a plurality of owners and operable to:

retrieve at least one of the evaluation, the recording, or the survey based on the first link; and
launch at least one application based upon the second link.

The proposed *Northcutt-Ouchi* combination fails to disclose, teach, or suggest various limitations recited in Claim 12.

Applicants maintain that, in rejecting Claim 12 the Examiner committed at least two legal errors. First, it appears that the Examiner is attempting to read limitations from Applicants' Specification into the claims. (*See, e.g.,* Office Action, Page 9, 15) To the extent that is the case, Applicants respectfully submit that it would be improper to limit Applicants' claims to the specific example embodiments described in the Specification. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1323-24, 75 U.S.P.Q.2d 1321, 1334-35 (Fed. Cir. 2005). The Examiner argues that the Examiner's interpretation is both reasonable and consistent with the Specification. (Office Action, Page 9) It appears to Applicants that the Examiner specifically limits the claim limitation "collaboration server" to the example embodiment described in the

Specification (*see* Specification, Page 10). As the Federal Circuit has made clear, this is improper. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1323, 75 U.S.P.Q.2d 1321, 1334 (Fed. Cir. 2005). Claim terms should be construed according to their ordinary and customary meaning. In other words, the Examiner is not simply interpreting the limitation “collaboration server” in light of the Specification; the Examiner is specifically limiting the claim term to the example described in the Specification rather than construing the claim term according to its ordinary and customary meaning in light of the Specification.

In any event, Applicants maintain that the proposed *Northcutt-Ouchi* combination fails to disclose, teach, or suggest all of the limitations recited in Claim 12. One of the three basic criteria that must be established by an Examiner to establish a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest ***all the claim limitations.***” *See* M.P.E.P. ch. 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added). “***All words*** in a claim must be considered in judging the patentability of that claim against the prior art.” *See* M.P.E.P. ch. 2143.03 citing *In re Wilson*, 424 F.2d 1382, 1385 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (emphasis added).

For example, the Examiner refers to the rejection of Claim 10 (which is based solely on *Northcutt*) as the basis for the disclosure of “retriev[ing] at least one of the evaluation, the recording, or the survey based on the first link [the work item comprising the first link and the first link being to at least one of the evaluation, the recording, and the survey],” as recited in Claim 12. (Office Action, Page 9) As discussed above with respect to Claim 10, *Northcutt* fails to disclose, teach, or suggest a work item that comprises a first link to at least one of the evaluation, the recording, and the survey, and the Examiner improperly dismisses certain of these limitations as non-functional, descriptive material. Moreover, Claim 12 specifically recites that a collaboration server is operable to *retrieve* at least one of the evaluation, the recording, or the survey based on the first link. *Northcutt* does not disclose, teach, or suggest *retrieving* at least one of the evaluation, the recording, or the survey based on the first link. The Examiner does not allege that *Ouchi* makes up for this deficiency of *Northcutt*.

As another example, the proposed *Northcutt-Ouchi* combination fails to disclose, teach, or suggest “launch[ing] at least one application based upon the second link [the work item comprising the second link and the second link being to at least one application used to perform the work assignment],” as recited in Claim 12. As discussed above with respect to Claim 11, *Northcutt* fails to disclose, teach, or suggest a work item that comprises a second link to at least one application used to perform the work assignment. Therefore, Applicants respectfully submit that *Northcutt* necessarily fails to disclose, teach, or suggest a collaboration server that is operable to “launch at least one application based upon the second link,” as recited in Claim 12. The Examiner does not allege that *Ouchi* makes up for this deficiency of *Northcutt*.

Additionally, Applicants do not admit that the proposed *Northcutt-Ouchi* combination is even possible or that the Examiner has shown the requisite teaching, suggestion, or motivation in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of invention to combine or modify these references in the manner the Examiner proposes.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 12 and its dependent claims.

At least certain of the additional dependent claims also recite further patentable distinctions over the proposed *Northcutt-Ouchi* combination. To avoid burdening the record and in view of the clear allowability of independent Claims 1 and 24, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Additionally, Applicants do not admit that the proposed *Northcutt-Ouchi* combination is even possible or that the Examiner has shown the requisite teaching, suggestion, or motivation in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of invention to combine or modify these references in the manner the Examiner proposes.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claims 12-18 and 35-37.

II. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the reference cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

Conclusion

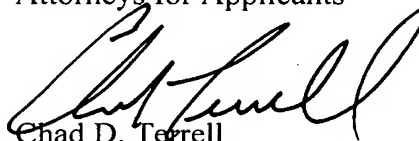
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicants, at the Examiner's convenience at (214) 953-6813.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: July 12, 2007

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